

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, May 1, 2001

Division One

2

A091515 -- Patricia Treppa v. Mike Beck.

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J.,
Stein, J. (Not for Publication).

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, May 1, 2001

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP officer J. Keirse, Bailiff.

A089834 James A. Merritt, et al.,
v.
City of Pleasanton.
Cause called and argued by Michael H. Zischke, counsel for appellants, and Tamara Galanter, counsel for respondent. Cause ordered submitted.

A089454 Muir Terrace Homes of San Rafael, LLC,
v.
Ernest A. Haenggi, et al.
Cause called and argued by Carl B. Shapiro, counsel for appellants, and Mark W. Plank, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench. Justice Swager joined the bench and Justice Stein presided over the remainder of the morning calendar.

A088447/ The People,
A092248 v.
Lashonne Whitmore.
In re Lashonne Whitmore on Habeas Corpus.
Cause called and argued by Carol Strickman, counsel for appellant, and Catherine A. Rivlin, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A092649 Thelen Reid & Priest LLP,
v.
Cable Car Advertisers, Inc.
Cause called and argued by Lawrence E. Alioto, counsel for appellant, and Joel D. Adler, counsel for respondent. Cause ordered submitted.

A089467

James E. Schenkel,

v.

Safeco Insurance Company.

Cause called and argued by John B. Keating, counsel for appellant, and Ralph A. Lombardi, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Tuesday, May 1, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer S. Aldridge, Bailiff.

A090414 The People,
 v.
 Mauricio Ernesto Guevara.
Cause called and argued by V. Elizabeth Grayson, counsel for appellant, and Pamela Critchfield, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A090990 In re Marriage of Todeschini.
 Nikki L. Todeschini,
 v.
 Aldo S. Todeschini, Jr.
Cause called and argued by Bernard N. Wolf, counsel for respondent. Prior to oral argument, counsel for appellant notified the court and advised that he would not be appearing. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Marchiano joined the bench.

A090542/
A090995 Calmat Co., et al.,
 v.
 City of Livermore;
 Johnson/Himsl Partnership.
Cause called and argued by Andrea Saltzman, counsel for City of Livermore; Roy Gorman, counsel for Johnson/Himsl Partnership; David Preiss, counsel for Calmat; and Richard C. Jacobs, counsel for Pleasanton Gravel. Cause ordered submitted.

A090573 Barbara Perez,
 v.
 Paz Concepcion;
 Alan Stirling.
Cause called and argued by Barbara Perez, appellant in pro per; Alan Stirling, appellant in pro per; and Paul Lewis, counsel for respondent. Cause ordered submitted.

A090145 National American Bank,
 v.
 Y.C. Yu, et al.,
Cause called and argued by Gerald A. Buckosky, counsel for appellants, and Arthur Lempert, counsel for respondent. Cause ordered submitted.

Court adjourned.

Tuesday, May 1, 2001 (continued)

Division Two

A088417 -- The People v. Andrew Cliff Johnson.

Accordingly, we affirm the conviction. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A094725 -- In re Anthony Lopez, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Division Three

A093587 -- The People v. Scott Louis Yelenich.

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Tuesday, May 1, 2001 (continued)

Division Four

A090874 -- The People v. Wendy Barbara Burke.

The judgment is affirmed. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A093033 -- The People v. Jose Ascension Cervantes.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Wednesday, May 2, 2001

Division One

A091086 -- The People v. Gloria A. Jackson-Wagner.

We therefore conclude that the inventory search was lawful, as was the seizure of the firearm once it was discovered during the search. (*People v. Benites, supra*, 9 Cal.App.4th at p. 328; *People v. Salcero, supra*, 6 Cal.App.4th at p. 723; *People v. Padilla* (1971) 15 Cal.App.3d 1010, 1013.) Accordingly, the judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

A094766 -- In re David John O'Brien, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Petitioner must first seek relief in the sentencing court. Kline, P.J.

A085204 -- David R. Olick v. Long & Levit LLP et al.

The judgment is affirmed. Long & Levit are awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A091334 -- F. Clarke Walker et al. v. State of California.

The judgment is affirmed. Respondent's motion for costs for the preparation of Respondent's Appendix is granted based on appellants' failure to attempt to confer regarding the contents of a joint appendix and failure to include documents in its Appellants' Appendix "essential to the proper consideration of the issues." (Cal. Rules of Court, rule 5.1(b).) Appellants are ordered to pay respondent as costs \$471.69, the actual cost of two copies of the Respondent's Appendix. (Cal. Rules of Court, rule 5.1(h).) In all other respects, each party shall bear their own costs. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday, May 2, 2001 (continued)

A090216 -- P & K Trucking v. Steve Navarro et al.

The judgment is affirmed and respondents are awarded costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Four

A081463 -- Gladys S. Brewster et al. v. Duane Grummer et al.

That portion of the order granting the Lynch firm's motion for summary judgment against The Housing Group is affirmed. That portion of the order granting the Lynch firm's motion for summary judgment against the Brewster parties is reversed. Brewster shall recover costs. Sepulveda, Acting P.J. We Concur: Kay, J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090658 -- The People v. Isidro Maldonado Ruiz.

The judgment is affirmed. Chiantelli, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A091853 -- Tanya Khabay v. Rita Lushtak.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.) ,

A090905 -- McKesson HBOC, Inc. v. City of Union City.

The judgment is reversed, and the matter is remanded with directions to the trial court to grant the petition for writ of mandate to compel the City to consider McKesson's application without the need for an SEIR. Costs on appeal are awarded to appellant. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Wednesday, May 2, 2001 (continued)

A088545 -- The People v. Paul Narvios.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)

A092202 -- In re Cory P., a person Coming Under the Juvenile Court Law.

The order committing defendant to the Youth authority is affirmed.
Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Thursday, May 3, 2001

Division One

A088178, A089062 -- Montie S. Day v. Robert W. Mills.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A092649 -- Thelen Reid & Priest, L.L.P. v. Cable Car Advertisers, Inc.

The order appealed from is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

A093638 -- In re Kelvin J. Evans on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Division Three

A089824 -- Maureen H. Alexander v. Blue Cross of California.

The judgment is affirmed. Respondent shall recover its costs. Parrilli, J. We Concur: McGuiness, P.J., Horner, J.* (Certified for Partial Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A092279 -- Public Printing, Inc. v. Coming Up!, Inc., et al.

The order denying the motion to vacate the default judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Friday, May 4, 2001

Division Two

A090560 -- The People v. James Johnson.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.
(See concurring opinion.) (Not for Publication.)

A090294 -- The People v. Oscar Huitron Navarette.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo,
J. (See concurring opinion) (Not for Publication.)

Division Three

A086777 -- The People v. Joshua Burnette Kramer et al.

A092103 -- In re Rick Eugene Kramer on Habeas Corpus.

Order Modifying Opinion. The Court: It is ordered that the opinion filed
herein on April 13, 2001, be modified as follows: (See opinion.) The petition for
writ of habeas Corpus is denied. There is no change in the judgment. McGuiness,
P.J. (Not for Publication.)

Division Five

A091761 -- Mary McCuin v. Rita Saenz, as Director, etc., et al.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J.
(Not for Publication.)

**A091708 -- In re George R., a Person Coming Under the Juvenile
Court Law. The People v. George R.**

The order is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)

Monday, May 7, 2001

Division One

A088887 -- Harbor House Café, Inc. v. California Indemnity Insurance Company.

By the Court: The petition for rehearing is denied. Strankman, P.J.

A094301 -- Grace McG. v. The Superior Court of Solano County; Solano County Health and Social Services Department, R.P.I.

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal.Const., art VI, § 14; Court (199) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for June 6, 2001. Therefore, our decision is final in this court immediately. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A089454 -- Muir Terrace Homes of San Rafael, LLC v. Ernest A. Haenggi et al., as Trustees, etc.

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Three

A092399 -- The People v. Angela Maryann Lualhati.

The judgment is affirmed. Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, May 7, 2001 (continued)

A092272 -- Harvey Tulchinski et al. v. Allen Kirk Hutchison et al.

The trial court acted properly in confirming the arbitration and award and entering judgment against Lori Jo only, as Allen had not been served with the petition to confirm and made no general appearance. In addition, appellants presented no valid basis for belatedly adding Allen to the existing judgment. Accordingly, we affirm the trial court's denial of appellants' motion to set aside the order and judgment. Respondents shall recover their costs on appeal. Horner, J.* We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A088937 -- Brian Moriarty v. Oracle Corporation.

The judgment is affirmed. Oracle is to recover its costs on appeal. Chiantelli, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A094281 -- Tara W. v. The Superior Court of Humboldt County; Humboldt County Department of Social Services, R.P.I.

The petition is denied on its merits. (§ 366.26, subd. (l)(1); Cal. Rules of Court, rule 39.1B(d)(2).) This opinion is final forthwith. (Cal. Rules of Court, rule 224(a).) Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 8, 2001

Division Two

A091679 -- The People v. Daniel Burgie.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A093196 -- The People v. Michael Aaron Jackson.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication.)

A091999 -- Sally Liu v. Mcrajed, Inc., et al.

We affirm in part and reverse in part the judgment of the trial court and remand for further proceedings consistent with this opinion. Costs on appeal are awarded to appellant. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A087495 -- The People v. Curtis A. Richards.

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Four

A090247 -- E.O.C. Ord et al. v. Lumbermens Mutual Casualty Company.

The judgment is affirmed. Respondent to cover its costs on appeal. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090413 -- The People v. David Montgomery.

We affirm the order of the trial court. Chiantelli, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 8, 2001 (continued)

A090557 -- Carlos Quintero v. Stanley J. Stanek et al.

The order denying plaintiff's motion to tax costs is affirmed. All other purported appeals are dismissed.. Defendants shall recover their costs of appeal. Kay, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A090572 -- The People v. Nicholas Chaykovsky.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A093104 - The People v. Robert Culton.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

A094502 -- William L. v. The Superior Court of Humboldt County; Humboldt County Department of Social Services, R.P.I.

The order to show cause is discharged, and the petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders denying reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (I).) Because the section 366.26 hearing is set for May 17, 2001, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A091607 -- In re Moises M., a Person Coming Under the Juvenile Court Law.

The order denying the petition to modify under section 388 is affirmed. Stevens, J. We Concur: Jones, P.J. We Concur: Simons, J. (Not for Publication.)

Tuesday, May 8, 2001 (Continued)

A088852 -- The People v. Wallace F. Southard.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)

Wednesday, May 9, 2001

Division One

A091084 -- The People v. Mario Moreno-Buena Ventura.

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Three

A094033 -- Celeste B. v. The Superior Court of San Francisco County; San Francisco Department of Human Services et al.; R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Since the permanency planning hearing is set for June 13, 2001, our decision is immediately final as to this court. (Cal. Rules of Court, rule 24(d).) McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A092052 -- People v. Michael A. Calvert.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A089098 -- In re the Marriage of Fenty and David Shore.

The orders of October 12, 1999, in which the family court denied (a) appellant's request to have the custody order of October 22, 1993, set aside and (b) appellant's request to compel counseling for Zachary are affirmed. Appellant's purported appeal from the order of October 12, 1999, denying his request to bar all in camera discussions between the court and Zachary, is dismissed. Because neither Kaliman nor Zachary responded to the instant appeal, it is not necessary to award either of them costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A091732 -- Rene Hilton v. City and County of San Francisco et al.

The judgment is affirmed. In the interests of justice, each side to bear its own costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Wednesday, May 9, 2001 (continued)

A092346 -- John Levy et al. v. National Building Inspectors et al.

The judgment is affirmed. Appellant to bear costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

A092025 -- The People v. Mareko Bordley.

The judgment is affirmed. Kay, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A091653 -- The People v. Sharon Ravare.

The judgment is affirmed. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091593 -- The People v. James Ted Whittington.

For the foregoing reasons, the judgment is affirmed. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 10,. 2001

Division One

A092780 -- The People v. Mark Dean Schuler.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

A091186 -- In re Estate of Spiritelli. Vanessa Spiritelli v. Joseph T. White, Jr.

A094052 -- In re Estate of Spiritelli. Vanessa Spiritelli v. Joseph T. White, Jr.

By the Court: Appellant's motion to consolidate the above-referenced appeals is granted for purposes of oral argument and decision. Appellant's reply brief in A091186 and appellant's opening brief in A094052 are both due within 20 days of the date of this order. Strankman, P.J.

A092426, A094226 -- The People v. Gregorio Vidrio.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A088447 -- The People v. Lashonne Whitmore.

A092248 -- In re Lashonne Whitmore, on Habeas Corpus.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

A094868 -- Con Trailer Division of Interpool, Inc. v. The Superior Court of Alameda County; Gluadalupe Gayton et al., R.P.I.

By the Court: The petition for writ of mandate/stay is denied. (Code Civ. Proc., § 437c(1) Kline, P.J.

Thursday, May 10, 2001 (continued)

A094887 -- The Hearst Corporation et al. v. The Superior Court of San Francisco County; The People v. of the State of California et al.; R.P.I.

By the Court: The petition for writ of mandate/certiorari/prohibition is denied without prejudice. Petitioners may again seek relief if respondent superior court does not on May 25, 2001, set a hearing date on the merits, said hearing to be held on or before June 15, 2001. Kline, P.J.

A094452 -- Paradise Cove of Fairfield Owners' Association et al. v. The Superior Court of Solano County; HPH Homebuilders 1995, L.P. et al.; R.P.I.

By the Court: The petition for writ of mandate is denied. Kline, P.J.

A094261 -- Natha M. Smith et al. v. The Superior Court of San Francisco County; St Mary's Medical Center et al., R.P.I.

By the Court: The petition for writ of mandate is denied and the temporary stay of trial previously imposed is lifted. Kline, P.J.

Division Three

A092192 -- The People v. Rufus D. Brinkley.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A091760 -- Jamal Hassoon v. Jamal Shamieh et al.

The judgment of the trial court is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 10, 2001 (continued)

Division Five

A094329 -- Vera B. v. Alameda County Superior Court; Alameda County Social Services, R.P.I.

The petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366.26(l). Because the section 366.26 hearing is set for June 15, 2001, our decision is final as to the court immediately. (See Rule 24(d).) Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

A090691 -- Tom Cherhoniak v. United Air Lines, Inc., et al.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A091111 -- In re Marvin M., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A090915 -- Marin Storage & Trucking, Inc. v. Benco Contracting and Engineering, Inc.,

The judgment is reversed, and the matter is remanded for further proceedings on the cross-complaint. Costs on appeal are awarded to appellant Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Friday, May 11, 2001

Division One

A090990 -- In re the Marriage of Nikki L. and Aldo S. Todeschini, Jr.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A089834 - James A. Merritt et al. v. City of Pleasanton et al.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A090573 -- Barbara Perez v. Paz Concepcion; Alan Stirling.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondent. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

A091372 -- Keli Cwynar et al. v. City and County of San Francisco et al.

Having concluded respondents have failed to establish that their costs of litigation were out of proportion to their stake in this litigation, the order awarding attorney fees is reversed and the matter remanded with directions to enter an order denying respondents' motion for attorney fees. The City shall recover costs on appeal. Kline, P.J. I concur: Lambden, J. (See dissenting opinion by Haerle, J.) (Not for Publication.)

A090786 -- Jeffrey Anthony Franklin v. Steven Cambra, Jr. et al.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A090630 -- The People v. Charles Jackson.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A089924 -- State Farm Fire & Casualty Company v. Don Strachan, individually and dba Bongers.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

A089175 -- The People v. Hooshang Sohrab.

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A091922 -- The People v. Vernon Laws.

Judgment affirmed. Reardon, Acting P.J. We Concur: Kay, J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091477 -- The People v. Michael Anthony Parenteau.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, May 14, 2001

Division Two

A091869 -- Fidelity National Title Insurance Company v. Robert J. Cort.

The judgment is affirmed. Fidelity is awarded costs. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A090981 -- In re Kalisha M., a Person Coming Under the Juvenile Court Law.

The judgment of the trial court is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A090939 -- In re Trevino M., a Person Coming Under the Juvenile Court Law.

The dispositional order is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A090902 -- The People v. Danny Ray McPherson.

Accordingly, we strike the order to pay the \$130 "attorney assessment fee" and the \$800 suspended restitution fine. In all other respects, we affirm the judgment. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A094931 -- Joseph Nurkiewicz v. The Superior Court of Humboldt County; The People of the State of California, R.P.I.

By the Court: The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

Division Three

A091373 --Kendall E. Hobbs v. California Department of Motor Vehicles.

The judgment of the trial court is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Monday, May 14, 2001 (continued)

Division Four

A091765 -- Jennifer Allen et al. v. Alvino Miranda.

The judgment is affirmed. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091771 -- Linda Perry v. Alvino Miranda.

The judgment is affirmed. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 15, 2001

Division One

A090145 -- National America Bank v. Y.C. YU.

We reverse the portion of the order entered December 22, 1999, awarding Yu the amount of \$30,490 for fees incurred in connection with the prior appeal and the order entered March 28, 2000, adjudicating interest accrued on the award of attorney fees and otherwise affirm the orders subject to this appeal. The Bank is awarded costs on appeal. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Three

A093204 -- The People v. Arthur Robert Downes.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

A093621 -- In re Steven B., a Person Coming Under the Juvenile Court Law. The People v. Steven B.

The order adjudicating appellant a continued ward of the court and committing him to CYA is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Kay, J. (Not for Publication.)

A090606 -- The People v. Christopher Edgerly.

We affirm the judgment. Reardon, Acting P.J. We Concur: Sepulveda, J., Kay, J. (Not for Publication.)

A090847 -- The People v. Ralph Law.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, May 15, 2001

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Sepulveda, J., and Chiantelli, Assigned Judge from San Francisco County Superior Court; Channing Hoo, Deputy Clerk; CHP Officer Jason Keirse, Bailiff.

A089814 Mark Zuckerman et al.
 v.
 Bankers Trust Corporation et al.
Cause called. Joseph Tobacco argued for appellants Zuckerman et al. James Harris argued for respondents. Cause submitted.

At this point, the Court reconstituted itself to include Sepulveda, Acting P.J., Kay, J., and Chiantelli, Assigned Judge.

A091342 Carl Englund
 v.
 Linda Englund, as Trustee
Cause called. Kevin McLean argued for appellant Carl Englund. Daniel A. Conrad argued for respondent. Cause submitted.

The Court recessed at 9:50 a.m.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, May 15, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Sepulveda, J. and Kay, J.; Channing Hoo, Deputy Clerk; CHP Officer Shelley Aldridge, Bailiff.

A090511 People
 v.
 Steven Fred Osterkamp
Cause called. Kenneth Noel teleargued for appellant Osterkamp. Dorian Jung argued for respondent. Cause submitted.

At this point, the court reconstitutes itself to include: Reardon, Acting P.J., Kay, J. and Chiantelli, Assigned Judge.

A091725 People
 v.
 Alfredo Aguilar
Cause called. Christopher Blake teleargued for appellant Aguilar. Mark Howell argued for respondent. Cause submitted.

A091127 Kyo D. Lee, MD et al.
 v.
 Oyoung Kong, MD et al.
Cause called. Joseph Hoffman argued for appellants Lee et al. Harland L. Burge argued for respondents. Cause submitted.

A091534 Steven L. Chandler
 v.
 City of Richmond et al.
Cause called. Russell Rowen argued for appellant Chandler. Peter Haas argued for respondents. Cause submitted.

The Court adjourned at 2:20 p.m.

Wednesday, May 16,. 2001

Division One

A090741 - Patricia Cuellar v. Costco Wholesale, Inc., et al.

By the Court: The petition for rehearing is denied. Strankman, P.J.

A091958 -- Sharon McKinney, et al. v. California Portland Cement Company.

A092102 -- Sharon McKinney, et al. v. Amcord, Inc.

By the Court: The stipulation and request for consolidation of appeals in A091958 and A092102 is granted as follows: The two matters are hereby consolidated for purposes of briefing, oral argument and decision on appeal. Respondent shall file a single brief in response to the opening briefs of appellants. Respondent's brief shall be due on or before 30 days after appellant's opening brief if filed in A092102. Each appellant's reply brief, if any, shall be due 20 days after filing of respondent's brief. Strankman, P.J.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, May 16, 2001

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; N. Millner, Deputy Clerk; and CHP officer S. Mills, Bailiff.

A093771 In re Luke P.
The People,
v.
Luke P.

Cause called and argued by V. Elizabeth Grayson, counsel for appellant, and Morris Lenk, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A091865 Richard A. Raimondi, et al.,
v.
Ford Motor Company.

Cause called and argued by Paul D. Nelson, counsel for appellants, and Theodore J. Boutrous, counsel for respondent. Cause ordered submitted.

A091315 Information Systems Networks Corporation,
v.
Securacom.

Cause called and argued by Stacey L. Pratt, counsel for appellant, and Donald P. Gagliardi, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench. Justice Marchiano joined the bench and Justice Stein presided over the remainder of the morning calendar.

A089797 The People,
v.
Clyde Williams.

Cause called and argued by Richard M. Doctoroff, counsel for appellant, and Margo Yu, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A089900

The People,

v.

Marchand Jamel Womack.

Cause called and argued by John Murcko, counsel for appellant, and Ross Moody, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, May 16, 2001

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer T. Tam, Bailiff.

A093120/
A093072

The People,
v.

Ranger Insurance Company, et al.

Cause called and argued by Patricia Kramer, counsel for appellants, and Richard Flores, counsel for respondent. Cause ordered submitted.

A093771

Joanne Michelle McLemore,
v.

Superior Court of Alameda County;
Circuit City Stores, et al.

Cause called and argued by Roderick P. Bushnell, counsel for petitioner, and Rex Darrell Berry, counsel for real party in interest. Cause ordered submitted.

A090483

Dahlia A. Varela,
v.

Bank of America.

Cause called and argued by David Durchfort, counsel for appellant, via teleconference, and Patricia Gillette, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Swager joined the bench.

A093013 In re Marriage of Landers.
Deborah Landers,
v.
Michael Landers.
Cause called and argued by Ann E. Estrada, counsel for appellant, and Robert A. Montgomery, counsel for respondent. Cause ordered submitted.

A091015 Fibreboard Corporation,
v.
American Home Assurance Company.
Cause called and argued by David E. Weiss, counsel for appellant, and Samuel H. Ruby, counsel for respondent. Cause ordered submitted.

Court adjourned.

Wednesday, May 16, 2001

Division Two

A091243 -- In re Delvon J., a Person Coming Under the Juvenile Court Law.

We affirm. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Three

A092580 -- The People v. Eric Dean Campbell.

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A089191 -- The People v. John Ray Hughes.

A089589 -- In re John Ray Hughes, on Habeas Corpus.

The conviction for cocaine possession is reversed. The conviction for heroin possession is affirmed. On remand, the court shall resentence Hughes in accordance with the terms of his plea bargain on the heroin possession charge, and the People's concession that one of the prior prison term allegations is unfounded. The habeas corpus petition is denied. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A085969 -- The People v. Dennis James Peralta, Jr.

The judgment is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, May 16, 2001 (continued)

Division Four

A094327 -- Jamarah A. v. The Superior Court of Contra Costa County; Contra Costa County Social Services Department.

The petition is denied on the merits. The order to show cause is discharged. This opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24.) Sepulveda, Acting P.J. We Concur: Kay, J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 17, 2001

Division One

A093513 -- The People v. Lee Johnson.

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

A092449 -- The People v. Brent Randel Hirschert.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J. Lambden, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, May 17, 2001

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, CA. Present: Haerle, Acting P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A092813 America Online, et al.
 v.
 Superior Court
 Al Mendoza, et al.
 Cause called and argued by Everett Johnson, counsel for petitioner and Kennedy P. Richardson, counsel for real parties in interest. Cause ordered submitted.
- A091525 David Replogle, et al.
 v.
 JAMS/Endispute, et al.
- A092357 David Replogle, et al.
 v.
 Michael J. Morrison
 Cause called and argued by Michael P. Guta, counsel for appellants and Peter J. Koenig, counsel for respondents. Causes ordered submitted.
- A092573 In re Larry Viera,
 on Habeas Corpus
 Cause called and argued by Susan Duncan Lee, Deputy Attorney General, counsel for appellant and Steve Fama, counsel for respondent. Cause ordered submitted.

Thursday, May 17, 2001 (continued)

Division Three

A091844 -- The People v. Paul Alva.

The order requiring Alva to submit to AIDS testing under section 1202.1 is stricken. The superior court is directed to amend the abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. In all other respects the judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A093620 -- In re Joshua B., a Person Coming Under the Juvenile Court Law.

In sum, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The orders of the juvenile court are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A091051 -- The People v. Kenneth Pittman.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Thursday, May 17, 2001 (continued)

A091245 -- In re Lyvell S., a Person Coming Under the Juvenile Court Law.

The finding that appellant violated Penal Code section 602.1, subdivision (a), is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A089864 -- In re Marriage of William F. and Susan S. Meehan.

To the extent that it orders Bill to pay \$20,000 per month in investment spousal support to Susan and to pay additional spousal support to Susan when Kelly becomes emancipated, the judgment is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Reardon, Acting P.J. We Concur: Sepulveda, J., Kay, J. (Not for Publication.)

A092171 -- In re Kenyatta H., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Chiantelli, J.* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

A091138 -- Michael Lefort v. Rosemeri Cheng.

The judgment is affirmed. The parties shall pay their own costs on appeal. Chiantelli, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 17, 2001 (continued)

A088190 -- Patricia E. Patrick v. Unum Life Insurance Company of America et al.

We reverse the award of attorney fees. In all other respects the judgment is affirmed. We remand the matter to the trial court to recalculate the amount of fees to be awarded to Patrick in a manner consistent with this opinion. The trial court shall not enhance the lodestar amount and it shall exclude from the fee calculation the hours expended in pursuit of state law claims.

UNUM is entitled to recover its allowable costs on appeal. (Cal. Rules of Court, rule 26(a)(3); 29 U.S.C. § 1132(g)(1).) UNUM has also requested an award of attorney fees. On remand the trial court shall determine whether UNUM is entitled to fees on appeal. (Cal. Rules of Court, rule 26(a)(4).) We note, however, that fee awards against individual ERISA plaintiffs are disfavored. (*Corder v. Howard Johnson & Co.* (9th Cir. 1994) 53 F.3d 225, 231.)

Chiantelli, J.* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, May 18, 2001

Division One

A088408 -- Marla E. Hollander v. Edith Spark Hollander.

The judgment appealed from is affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

A092323 -- In re Mallory P., et al., Persons Coming Under the Juvenile Court Law.

The order is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A089900 -- The People v. Marchand Jamel Womack.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

A087156, A088956, A089129, A089136-- John Wesley English, et al. v. Gray Emerson Cardiff, et al.

We reverse the striking of the fifth cause of action in its entirety. In view of this conclusion, we remand to the trial court for a determination of the proper amount of attorney fees to be awarded on the third motion to strike. In all other respects, we affirm the trial court's rulings. The parties are to bear their own costs on appeal. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A094987 -- In re Christopher James, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Lambden, Acting P.J.

A094948 -- In re Charlette Johnson, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Petitioner should seek relief, if any, in the Second District Court of Appeal. Lambden, Acting P.J.

Friday, May 18, 2001 (continued)

A094909 -- Karen Kornfeld v. The Superior Court of Contra Costa County; Michael Hallock et al., R.P.I.

By the Court: The petitioner for writ of mandate/stay is denied. Lambden, Acting P.J.

A094422 -- In re Shahram Nabavi, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Lambden, Acting P.J.

A094832 -- Oakland Unified School District et al. v. The Superior Court of Alameda County; Larry Guess et al., R.P.I.

By the Court: The petition for writ of mandate is denied. Lambden, Acting P.J.

Division Four

A093166 -- In re Rex H., a Person Coming Under the Juvenile Court Law.

The appeal is dismissed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

A085999, A087341, A089575 -- Steven M. Krantz v. BT Visual Images, L.L.C. et al.

The judgment on the merits appealed from in A085999 is reversed and the cause is remanded to the trial court for additional proceedings consistent with this opinion; the appeals in A087341 and A089575 are dismissed as moot. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Certified for Partial Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, May 18, 2001 (continued)

A090803 -- The People v. Robert Joseph Larsen.

The judgment is affirmed. Chiantelli, J.* We Concur: Sepulveda, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091127 -- Kyo D. Lee et al. v. Oyoung Kong et al.

The order granting summary judgment in favor of the defendants and against plaintiffs is affirmed. The order denying plaintiffs' motion for reconsideration is affirmed. Reardon, Acting P.J. We Concur: Kay, J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090511 -- The People v. Steven Fred Osterkamp.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

A089374 -- Lariel Sapinoso et al. v. KTB, Inc. et al.

The judgment of the trial court is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Five

A090551 -- The People v. Gerald Garcia.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Monday, May 21, 2001

Division One

A093771 -- Joanne Michelle v. The Superior Court of Alameda County; Circuit City Stores, Inc., R.P.I.

Let a peremptory writ of mandate issue commanding respondent superior court to set aside its order granting Circuit City's petition to compel arbitration, and to instead afford the parties an opportunity to present evidence on the question whether McLemore and Circuit City agreed to arbitrate disputes, and if so, the terms of that contract. If such a contract is proved, the court may thereafter entertain such challenges to it as McLemore may elect to make. The stay previously imposed shall remain in effect until this opinion becomes final. Petitioner and real party shall bear their own costs. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

Alacatel USA, Inc. v. The Superior Court of Sonoma County, Calix Networks, Inc. et al.; R.P.I.

By the Court: The petition for writ of mandate is denied. The motion to file documents under seal is granted. Lambden, Acting P.J.

A091298 -- Jack L. Gilliland et al. v. Medical Board of California.

The judgment is reversed. No attorney fees are awarded pursuant to Government Code section 800. Gilliland and Rivera are awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

A091549 -- Tutor-Saliba Corporation v. City and County of San Francisco et al.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Monday, May 21, 2001 (continued)

Division Five

A090622 -- The People v. Gilbert A. Ibarra.

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A091285 -- The People v. David Peter Walsh.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Tuesday, May 22, 2001

Division One

**A090542 & A090995 -- Calmat Co., et al. v. City of Livermore;
Johnson/HIMSL Partnership et al. R.P.I.**

The judgment is affirmed. Each party to bear their own costs on appeal.
Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A090414 -- The People v. Mauricio Ernesto Guevara.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A092646 -- Ty Van v. Cable Car Advertisers, Inc.

The judgment is affirmed. Costs to respondent. Swager, J. We Concur:
Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

A090850 -- The People v. Harvey McPeters.

The judgment is modified as follows: The trial court's order imposing
\$250 in attorney fees is stricken. In all other respects the judgments is affirmed.
Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

A091657 -- The People v. Eliodoro Dieguez.

A093253 -- In re Eliodoro Dieguez on Habeas Corpus.

Order Modifying Opinion and Denying Rehearing, Certifying Opinion for
Publication. The Court: It is ordered that the opinion filed herein on April 30,
2001, be modified as follows: (See order.) There is no change in the judgment.
Appellant's petition for rehearing is denied. McGuiness, P.J (Certified for
Publication.)

Tuesday, May 22, 2001 (continued)

A091194 -- George Hoffberg v. Robert Copeland et al.

The judgment is affirmed. The parties shall bear their own costs. Parrilli, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091706 -- In re Juan V., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Horner, J.* We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A091725 -- The People v. Alfredo Aguilar.

The judgment of conviction is modified by striking the fine imposed pursuant to Penal Code section 1202.45. As so modified the judgment is affirmed in all other respects. Kay, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091782 -- The People v. Ronald Coleman.

The order revoking defendant's probation is affirmed. Chiantelli, J.* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A085999, A087341, A089575 -- Steven M. Krantz v. BT Visual Images, L.L.C. et al.

Order Modifying Opinion [No Change in Judgment]. By the Court: It is ordered that the opinion filed herein on May 18, 2001, be modified in the following particulars: (See order.) Sepulveda, Acting P.J. (Certified for Publication.)

Tuesday, May 22, 2001 (continued)

A086638 -- Alan Man et al. v. Lapin Associates et al.

A088958 -- Jim Lanier et al. v. Lapin Associates et al.

The judgments are affirmed. Respondents are to recover their costs on appeal. Chiantelli, J.* We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

Tuesday, May 22, 2001

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J.; Simons, J., Sepulveda, J. on assignment by the Chief Justice and Richard H. Sandvik, Deputy Clerk.

- A091838 Henry V. Lantzy et al.
 v.
 Centex Homes et al.
Cause called and argued by Alan R. Johnston, counsel for appellants, arguing via teleconference, and by Kenneth Miller, counsel for respondents. Cause ordered submitted.
- A091520 Alvin Bennett
 v.
 Schindler Elevator Corporation
Cause called and argued by Joseph W. Klobas, counsel for appellant and by Frederick T. Kearney, counsel for respondent. Cause ordered submitted.
- A090558 Francisco Villegas
 v.
 Hawker Siddeley Canada, Inc.
Cause called and argued by Allan M. Tabor, counsel for appellant and by Hall R. Marston, counsel for respondent. Cause ordered submitted.
- A091522 Francisco Villegas
 v.
 U.S. Natural Resources Inc.
Cause called and argued by Allan M. Tabor, counsel for appellant and by Hall R. Marston, counsel for respondent. Cause ordered submitted.
- A090437 Home Builders Association of Northern California
 v.
 City of Napa et al.
Cause called and argued by James S. Burling, counsel for appellant and by Kirk E. Trost and Steven L. Mayer, counsel for respondents. Cause ordered submitted.

- A091884 Raul V. Aguilar
v.
Esther R. Lerner
Cause called and argued by Allen J. Kent, counsel for appellant and by Howard R. Melamed, counsel for respondent. Cause ordered submitted.
- A087671 The People
v.
Keith Hopkins
Cause called and argued by Alfons G. Wagner, counsel for appellant and by Sharon Wooden, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A092245 Davis W. Young et al.
v.
Imperial Bank
Cause called and argued by Gerald W. Filice, counsel for appellants and by Bruce A. Lieberman, counsel for respondent. Cause ordered submitted.
- A091571 Insurance Commissioner of the State of California
v.
Golden Eagle Insurance Company
Good, Wildman, Hegness & Walley et al.
Cause called and argued by Thomas J. O'Keefe, counsel for appellants and by Stacey L. Pratt and Andrew McCloskey, counsel for respondent. Cause ordered submitted.

Court adjourned at 12:37 p.m.

Wednesday, May 23, 2001

Division One

A094800 -- David F. v. The Superior Court of Contra Costa County; Contra Costa County Social Services Department, et al., R.P.I.

The Court:* Let a peremptory writ of mandate issue commanding respondent Contra Costa Superior Court to stay the Welfare and Institutions Code section 366.26 hearing until such time as the Department has complied with the requirements of California Rules of Court, rule 1439 and the Indian Child Welfare Act, and the trial court has a sufficient evidentiary basis to determine whether Evon is an Indian child. In all other respects the petition for writ of mandate is denied. This opinion is final as to this Court immediately. (Cal. Rules of Court, rule 24(d).)

*Before Stein, Acting P.J., and Swager and Marchiano, JJ.

A089467 -- James E. Schenkel v. Safeco Insurance Company of America.

The judgment is affirmed. Stein, Acting P.J., Swager, J., Marchiano, J. (Not for Publication.)

Division Two

A095016 -- California Apartment Association et al. v. The Superior Court of Alameda County; City of Fremont, R.P.I.

By the Court: The petition for writ of supersedeas/stay is denied. Lambden, Acting P.J.

A090284 -- The People v. David Alvin Lowrie.

The judgment is affirmed. Haerle, J. I concur: Lambden, J. (See dissenting opinion by Kline, P.J.) (Not for Publication.)

A095018 -- Elnora Terrell v. The Superior Court of Alameda County; Marian Allred, R.P.I.

By the Court: The petition for writ of mandate is denied. Lambden, Acting P.J.

Wednesday, May 23, 2001 (continued)

Division Three

A090326 -- International Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. City and County of San Francisco et al.

Our independent review of the undisputed extrinsic evidence leads us to conclude that the arbitration award did not include the “me too” provision for the third year of the contract term. Thus, the City acted properly in adopting an MOU that also did not include the provision. We affirm the trial court’s denial of appellant’s petition for writ of mandate. Respondent shall recover its costs on appeal. Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A092320 -- In re Daniel M., a Person Coming Under the Juvenile Court Law.

The judgment is reversed. The matter is remanded for a new section 366.26 hearing after proper notice to appellant. Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A092467 -- Estate of Kelly Benjamin Niles, Deceased.

The judgment is reversed with instructions for the trial court to hold a hearing on the additional request for \$21,865 in extraordinary compensation for services rendered after June 22, 2000, and to determine what portion, if any, of the \$19,928 requested in the second fee application covered services that were extraordinary. McMahon is to bear 90 percent of Quinn’s costs on appeal and Roth is to bear the remaining 10 percent. Horner, J.* We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A088522 -- Rober E. Smith et al. v. SHN Consulting Engineers & Geologists, Inc., et al.

The judgment of dismissal is affirmed. Respondents are to recover their costs of appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Certified for Publication.)

Wednesday, May 23, 2001 (continued)

A087653 -- Ellen Tsang v. Edward K. Miller et al.

The judgment is reversed, provided that if respondents file a consent to remit \$31,800 of the jury's award, the judgment will be modified to reflect that reduction and as so modified will be affirmed in its entirety. (See Cal. Rules of Court, rule 24(c).) Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A092115 -- The People v. Robert Thomas Weathers.

Affirmed. Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A090156 -- Donald R. Yurick, Jr. et al. v. Charles W. McCall et al.

Judgment affirmed. Appellants to bear costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A091052 -- The People v. Thomas Hampton.

The order of commitment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 24, 2001

Division One

A091362 -- Arthur v. Philip Kay.

Order Modifying Opinion. The Court: It is ordered that the opinion filed herein on April 30, 2001, be modified in the following particulars: (See order.) There is no change in judgment. Swager, Acting P.J. (Certified for Publication.)

Division Three

A090164 -- The People v. Dave Richard Baer.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090679 -- Floyd Koch v. Edward Hankins et al.; Lawyers' Mutual Insurance Company, Third Party and Respondents.

The trial court's order is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A090567 -- The People v. David John Eccleston.

The judgment of conviction is affirmed. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.* (Certified for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, May 24, 2001

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Sepulveda, Acting P.J., Kay, J., and Chiantelli, Assigned Judge from San Francisco County Superior Court; Channing Hoo, Deputy Clerk; Guardsmark Officer Michelle Gilmore, Bailiff.

A091646 People
 v.
 Gregory Ray Burgos
Cause called. William Cole teleargued for appellant Burgos. Matthew Boyle argued for respondent. Cause submitted.

A090212 Estate of Gui R. Everitt
 James K. Winslow-Brady
 v.
 Mike Carlson
Cause called. James L. Pagano argued for appellant Winslow-Brady. Albert G. Handelman argued for respondent. Cause submitted.

At this point, the Court reconstituted itself to include Sepulveda, Acting P.J. and Chiantelli, Assigned Judge.

A087413 Angelique Michaels
 v.
 State of California et al.
Cause called. Each counsel confirmed waiving Justice Reardon's presence. Patrick E. Catalano argued for appellant Michaels. Arnulfo Hernandez, Jr. argued for respondents. Cause submitted.

At this point, the Court reconstituted itself to include Kay, Acting P.J. and Chiantelli, Assigned Judge.

A088968 People
 v.
 Robert Neal Sanger
Cause called. Each counsel confirmed waiving Justice Reardon's presence. Brian Hong argued for appellant Sanger. Thomas A. Brady argued for respondent. Cause submitted.

A091029 People
 v.
 Darren Dorsey
Cause called. Each counsel confirmed waiving Justice Reardon's presence. Christine Dubois argued for appellant Dorsey. Violet Lee argued for respondent. Cause submitted.

The Court recessed at 10:36 a.m.

Thursdya, May 24, 2001 (continued)

Division Five

A091599 -- The People v. Jack Irving Prudhomme, Jr.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

Friday, May 25, 2001

Division One

A093297 -- Douglas E. Freeman v. Palisades Trusts et al.

The judgment is reversed and the order sustaining the demurrer to the second amended complaint is vacated except with respect to the eleventh cause of action. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A091704 -- In re Luke P., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

A092572 -- The People v. Eddie Ernest Prusener.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

A095057 -- In re Archie Delaney, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied without prejudice to making a proper showing. Lambden, Acting P.J.

A094806 -- Anthony Normandi v. The Superior Court For the County of Marin; County of Marin, et al., R.P.I.

By the Court: The petition for writ of mandate and/or prohibition is denied. Lambden, Acting P.J.

A095034 -- Wescam Sonoma Inc. v. The Superior Court For the County of Sonoma; Robert Chandler, R.P.I

By the Court: The petition for writ of mandate and/or prohibition is denied. Lambden, Acting P.J.

Friday, May 25, 2001 (continued)

Division Three

A089882 -- The People v. Rodney Earl Hill.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A092116 -- The People v. Steven Matthew Stewart.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Division Four

A092377 -- The People v. Robert Fred Craig.

The judgment of conviction is affirmed. Kay, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Tuesday, May 29, 2001

Division One

A090483 -- Dahlia A. Varela v. Bank of America.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Three

A090704 -- The People v. Nicholas Dane Beardon.

A094501 -- In re Nicholas Dane Beardon on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied. McGuiness, P.J. We Concur: Parrilli, J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091040 -- The People v. Thomas J. Hodges.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090898 -- The People v. Juan Salazar-Merino.

A092314 -- In re Juan Salazar-Merino, on Habeas Corpus.

The writ of habeas corpus is granted. The judgment is vacated and appellant's guilty plea is set aside. Upon the issuance of the remittitur, the clerk of this court is directed to forward a copy of this opinion to the State Bar pursuant to Business and Professions Code section 6086.7, subdivision (b). Horner, J.* We Concur: McGuiness, P.J., Parrilli, J. (Certified for Partial Publication.)

Tuesday, May 29, 2001 (continued)

A094666 -- The People v. The Superior Court of the City and County of San Francisco; Delma V., A Minor., R.P.I.

Let a peremptory writ of mandate issue directing respondent court to vacate its order of February 21, 2001, finding real party in interest Delma V. a fit and proper subject for treatment under the juvenile court law and to enter a new and different order granting the People's petition for a finding of unfitness. The temporary stay of trial setting in respondent court shall remain in effect until this decision becomes final as to this court. Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A093032 -- The People v. Douglas Neil Barnes.

The judgment is affirmed. Kay, J. We Concur: Sepulveda, Acting P.J., Chiantelli, J.* (Not for Publication.)

*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A090874 -- The People v. Wendy Barbara Burke.

The Court: Appellant's petition for rehearing is denied. It is ordered that the opinion filed herein on May 1, 2001, be modified by deleting the last paragraph before the disposition on page 4 and inserting the following: (See order.) There is no change in the judgment. Kay, Acting P.J. (Not for Publication.)

A089921 -- In re Krishna L. C. et al., a Persons Coming Under the Juvenile Court Law.

A090534 -- San Francisco Department of Human Services v. Krishna C. and Romualda T.

A093057 -- San Francisco Department of Human Services v. Romaulda T.

The orders are affirmed. Chiantelli, J.* We Concur: Reardon, Acting P.J., Kay, J. (Not for Publication.)

Tuesday, May 29, 2001 (continued)

Division Five

A090197 -- The People v. Gerald Morgan.

The judgment of conviction is affirmed. Stevens, J. I Concur: Jones, P.J.
(See concurring opinion by McGuiness, P.J.*) (Not for Publication.)

*Presiding Justice of the Court of Appeal, First Appellate District, Division
Three, assigned by the Chief Justice pursuant to article VI, section 6 of the
California Constitution.

Wednesday, May 30, 2001

Division One

A093013 -- In re Marriage of Deborah and Michael Landers.

The August 18, 2000, order vacating the interim support order issued on November 16, 1994, is reversed. Appellant shall recover her costs on appeal. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

A094331 -- Latanya McD v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1024.)

The section 366.26 hearing is set for June 25, 2001. Therefore, our decision is final in this court immediately. Marchiano, J. Stein, Acting P.J., Swager, J. (Not for Publication.)

A093072, A093120 -- The People v. Ranger Insurance Company et al.

The order denying appellants' motion to vacate the judgment of forfeiture and to exonerate bail is reversed. The parties shall bear their own costs on appeal. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

Division Three

A094604 -- Marie A. v. The Superior Court of Contra Costa County; Contra Costa Social Service Department, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Because the permanency planning hearing is set for June 21, 2001, our decision is immediately final as to this court. (Cal Rules of Court, rule 24 (d).) Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, May 30, 2001 (continued)

Division Five

A091520 -- Alvin L. Bennett v. Schindler Elevator Corp. et al.

The judgment is reversed and the trial court is directed to enter an order pursuant to Code of Civil Procedure section 473, subdivision (b) setting aside the dismissal of appellant's action and directing attorney McGuire to pay respondents reasonable legal fees and costs. Parties to bear their own costs on appeal. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

A091571 -- In re Golden Eagle Insurance Company.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Thursday, May 31, 2001

Division One

A092186 -- The People v. Cody Allen Goodlow.

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A091865 -- Dana K. Raimondi v. Ford Motor Company.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A093843 -- Philip Duane Allen, et al. v. Chevron U.S.A. Inc., et al.

Accordingly, plaintiffs' appeal is dismissed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A090416 -- The People v. Rodney Kenneth Tornstrom.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A094577 -- Sergio Alvarez v. The Superior Court of the City and County of San Francisco; The People, R.P.I.

Let a peremptory writ of mandate issue directing respondent court to vacate its order of denying petitioner Sergio Alvarez's motion to dismiss and to enter a new and different order granting the motion. The temporary stay of further proceedings in respondent court shall remain in effect until this decision becomes final as to this court. Corrigan, J. We Concur: McGuiness, P.J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 31, 2001 (continued)

A089264 -- The People v. Robert Anderson.

A092674 -- In re Robert Anderson on Habeas Corpus.

The judgment is affirmed and the petition for writ of habeas corpus is denied. Corrigan, Acting P.J. We Concur: Parrilli, J., Horner, J.* (Not for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091903 -- The People v. Lawrence Anthony Cuevas.

The judgment and sentence are affirmed. * Horner, J.* We Concur: McGuiness, P.J., Corrigan, J. (Certified for Publication.)

*Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A091109 -- In re Rickey F., a Person Coming Under the Juvenile Court Law.

The jurisdictional order of the Sacramento County juvenile court is reversed. Because the dispositional order was prejudiced on the jurisdictional finding that the appellant had wrongfully possessed a gun and ammunition, it, too, must be reversed, We hereby remand the case to Sacramento County juvenile court for further proceedings. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A087404 -- In re Marriage of Richard L. Bradley and Carol Bradley.

The judgment is reversed. The matter is remanded for further proceedings limited to the fee issue, as discussed above. The parties shall bear their own costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A092640 -- City and County of San Francisco v. William Pon et al.

The order is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Thursday, May 31, 2001, (continued)

A090558, A091522 -- Francisco Villegas v. Hawker Siddeley Canada, Inc., & U.S. Natural Resources, Inc.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)